

Exhibit 19

**Excerpts of 30(b)(6) Jason
Bliss Deposition
Transcripts**

Jason Bliss 30(b)(6)
10/16/2024

<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF NEW YORK 3 4 SECURITIES AND EXCHANGE) COMMISSION,) 5) Plaintiff,) 6) Case No. v.) 23-cv-9518-PAE 7) SOLARWINDS CORP. and TIMOTHY G.) 8 BROWN,) 9) Defendants.) _____)</p> <p>(30)(b)(6) STENOGRAPHIC VIDEOTAPED DEPOSITION OF SOLARWINDS CORPORATION BY ITS DESIGNEE JASON WALLACE BLISS WEDNESDAY, OCTOBER 16, 2024</p> <p>Reported by: BRIDGET LOMBARDOZZI, CSR, RMR, CRR, CLR Job No. 241016BLO</p> <p>1</p>	<p>1 APPEARANCES OF COUNSEL: 2 3 4 FOR THE PLAINTIFF: 5 6 7 SECURITIES AND EXCHANGE COMMISSION 8 100 F Street, N.E. 9 Washington, D.C. 20549-6553 10 Telephone: 202.551.4661 11 Email: todorj@sec.gov 12 carneyc@sec.gov 13 wardenk@sec.gov 14 stonel@sec.gov 15 BY: JOHN "JJ" TODOR, ESQUIRE 16 CHRISTOPHER CARNEY, ESQUIRE 17 KRISTEN M. WARDEN, ESQUIRE 18 LORY STONE, ESQUIRE (Remote) 19 20 21 22 23 24 25</p> <p>3</p>
<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF NEW YORK 3 4 SECURITIES AND EXCHANGE) COMMISSION,) 5) Plaintiff,) 6) Case No. v.) 23-cv-9518-PAE 7) SOLARWINDS CORP. and TIMOTHY G.) 8 BROWN,) 9) Defendants.) _____)</p> <p>Stenographic (30)(b)(6) videotaped deposition of SOLARWINDS CORP. by its designee JASON WALLACE BLISS, taken on behalf of Plaintiff, held at the offices of Latham & Watkins, 1271 Avenue of the Americas, Floor 33, New York, New York, commencing at 9:50 a.m. and ending at 7:47 p.m., on Wednesday, October 16, 2024, before Bridget Lombardozzi, Certified Shorthand Reporter, Certified Realtime Reporter, Registered Merit Reporter, and Notary Public of the states of New York and New Jersey, pursuant to notice.</p> <p>2</p>	<p>1 A P P E A R A N C E S (Continued): 2 3 FOR THE DEFENDANTS: 4 5 LATHAM & WATKINS LLP 6 1271 Avenue of the Americas 7 New York, New York 8 Telephone: 212.906.1330 9 Email: serrin.turner@lw.com 10 maurice.baynard@lw.com 11 matthew.valenti@lw.com. 12 nicolas.luongo@lw.com 13 BY: SERRIN TURNER, ESQUIRE 14 MAURICE BAYNARD, ESQUIRE 15 MATTHEW VALENTI, ESQUIRE 16 NICOLAS LUONGO, ESQUIRE (Remote) 17 18 ALSO PRESENT: 19 20 JONATHAN JUAREZ, VIDEOGRAPHER 21 BECKY MELTON, In-house Counsel for SolarWinds 22 23 24 25</p> <p>4</p>

1 product. And there was a time when it was
2 centralized to the CIO, but they -- they span
3 between products and CIO in their function because
4 of the complexity that cloud products have brought
5 to traditional organizations.

6 **Q.** Okay. And at SolarWinds was there
7 something called the information security group
8 within the IT group, I believe?

9 **A.** Yes.

10 **Q.** And who was responsible for oversight of
11 that?

12 **MR. TURNER:** Time period?

13 **Q.** Within the 2018 to 2020 timeframe.

14 **A.** That would have been -- Rani was CIO.
15 And Tim Brown reported to Rani, so Tim Brown would
16 oversee information security.

17 **Q.** Was anyone -- were -- were there any
18 audit functions with respect to the work done in
19 the information security group?

20 **MR. TURNER:** Object to form.

21 **A.** Yes. There were numerous activities you
22 could call audits that information security would
23 have a piece of, SOC-2 being one.

24 **Q.** So focusing for the purposes of the
25 question on -- for Sarbanes-Oxley compliance, were

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1 **Q.** -- focusing first on the information
2 security group, I believe you mentioned Tim Brown
3 was head of that.

4 Was he head of that throughout the 2018
5 through 2020 time frame?

6 **A.** Yes.

7 **Q.** What were his duties with respect to
8 oversight of that group?

9 **A.** He would make sure that a baseline --
10 and I apologize. Are you talking only for
11 Sarbanes-Oxley?

12 **Q.** I'm -- I'm talking about what -- what
13 were his duties --

14 **A.** All of his duties?

15 **Q.** Yes.

16 **A.** Okay.

17 **Q.** What were his duties?

18 **A.** Okay.

19 **MR. TURNER:** With respect to
20 the InfoSec group.

21 **MR. TODOR:** Yes.

22 **A.** He would lead the InfoSec group. So he
23 would, one, be making sure that with the help of
24 his group, they were understanding the external
25 macro environment of what threat actors were

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1 there any audits with respect to Sarbanes-Oxley
2 compliance related to the work of the information
3 security group?

4 **MR. TURNER:** Object to form and
5 scope.

6 **A.** The -- the -- the evolution of -- in the
7 industry was that they started to add IT general
8 controls and -- and every year those would -- the
9 scope of that would broaden as the world was
10 thinking more of cyber and the IT in this time
11 period. So there was involvement with information
12 security in the Sarbanes-Oxley process during that
13 time period as -- as IT general controls were
14 incorporated more and more into that overall
15 process.

16 **Q.** I think we might be blending into this,
17 but I'd like to ask some questions about Topic 2
18 in the notice, which is "SolarWinds' executives,
19 employees, contractors, and their duties,
20 compensation, locations, and reporting lines as
21 they relate to SolarWinds' cybersecurity practices
22 and the security statement on SolarWinds'
23 website."

24 So with -- with that topic in mind --

25 **A.** Mm-hmm.

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1 doing, what regulations are -- are being put into
2 place, and making sure that the information
3 security element of the company was progressing
4 with those overall elements of the macro, and he
5 would be making sure he was deploying resources in
6 a cost-effective manner to make sure that we were
7 addressing all of that globally.

8 And he would then be making sure
9 executives were informed and -- about the material
10 elements of information security that both is
11 going on externally, that's going on internally,
12 and making sure it's part of the overall
13 decision-making of the business.

14 **Q.** You said he -- one of his roles is to
15 make sure executives were being informed.

16 Which executives were you referring to
17 in that answer?

18 **A.** His reporting line. So it would be Rani
19 above him, Joe Kim above him, but he would also
20 report to me, as general counsel, through the
21 various meetings and Bart as CFO in various
22 meetings.

23 **Q.** How would he do that?

24 **A.** In multiple ways. So one would be
25 formalized meetings. But all of those individuals

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<p>1 that I just mentioned sat within a hundred yards 2 of each other in an Austin office, so there were a 3 number of informal discussions and meetings that 4 were conducted as well, whether through 5 one-on-ones or the conversations in offices. 6 Q. Turning to the employees in the InfoSec 7 group, during the 2018 to 2020 time frame, how 8 many employees reported to Mr. Brown in that 9 InfoSec group? 10 A. During, sorry, '18 to 2020? 11 Q. '18 to '20, yes. 12 A. Roughly around -- and you mean all -- 13 the whole group, not just who reported to Tim? 14 Q. Correct. 15 A. Okay. 16 Q. The whole group. 17 A. So roughly around five to eight, I 18 believe. 19 Q. And there's an executive, Eric Quitugua. 20 Was he the -- I guess the principal deputy to 21 Mr. Brown? 22 A. Yes. Eric -- Eric had been with the 23 company as far back as 2015 and -- as an 24 information security principal. 25 Q. Did Mr. Brown ever request to have more</p> <p style="text-align: center;">29</p>	<p>1 mentioned before, the legal department, who'd had 2 a compliance function with cybersecurity. So that 3 would only be his information security group 4 budget. 5 MR. TURNER: I just want to 6 note my objection to -- for the record, 7 an objection to scope with respect to 8 budget. I don't believe that was 9 specified in the notice. 10 MR. TODOR: I'll just note 11 that compensation is listed there in 12 Topic 2. 13 MR. TURNER: That's fine, but I 14 said budget. The witness was not 15 specifically prepared to testify about 16 specific budget numbers, so I just wanted 17 to note that for the record. 18 BY MR. TODOR: 19 Q. In terms of locations of the employees 20 in the InfoSec group, where were the employees 21 located? 22 A. There were -- so Tim was in Austin. 23 Eric was in Austin. There was an individual -- 24 actually, Josh is in Austin. So mostly in Austin. 25 There was an individual that came online in</p> <p style="text-align: center;">31</p>
<p>1 personnel starting in -- okay. 2 First, was Mr. Brown hired sometime in 3 the middle of 2017? 4 A. Yes. 5 Q. Did Mr. Brown ever request more people 6 to have working for him between, let's say, that 7 2017 time frame and 2020? 8 A. I don't recall if he ever requested 9 more people, but I'd be shocked if he never did 10 because we all did. That's part of what a company 11 does. 12 Q. And what was the annual budget for the 13 information security group in this 2018 to 2020 14 time frame roughly? 15 A. It -- it changed, but I would say 16 mid/high single digits to low double digits in the 17 millions. 18 Q. Did that include salaries and technical 19 resources they had available? 20 A. That would include salaries, bonus, cash 21 compensation in general. It would include tools 22 that would be allocated to that group. What it 23 does not include, which is part of cybersecurity, 24 are other elements in the business that would 25 handle product security, for instance, or, as I</p> <p style="text-align: center;">30</p>	<p>1 Ireland. And I believe that was it. 2 Q. Okay. Was there a Tomas Sejna within 3 the InfoSec group? 4 A. I don't have him in the Infosec group, 5 as I recall. I believe Tomas Sejna either was 6 prior to the relevant period or was in product 7 security. 8 Q. Okay. And the individual in Ireland you 9 referred to, is that Harry Griffiths? 10 A. That is. 11 Q. And did Josh Vanhooose -- is that the 12 Josh you were referring to? 13 A. Correct. 14 Q. Any others that you're aware of? 15 A. There's a gentleman by the name of Ralph 16 Greer. I don't know his location. And there was 17 one other I can't recall. 18 Q. What were Kellie Pierce's duties as they 19 related to cybersecurity? 20 A. Kellie was within the CIO office and 21 she was a program manager. So Kellie's role was 22 more to make sure that the trains were running on 23 time, that notes were taken accordingly, that 24 materials were produced. She wasn't a technical 25 resource.</p> <p style="text-align: center;">32</p>

1 acquisition. So those teams would come in with
2 their Dev-Ops teams and over time get integrated
3 into the back office structure.

4 So most of those resources would go to
5 the CIO function and they sit in CIO function
6 today, but we had a concept of hard-lined/dotted
7 line, if you've heard of that in organizations.
8 They may hard line into CIO but they dotted-lined
9 into engineering. So they kind of sat between the
10 two groups even today.

11 **Q.** What do you mean by "hard-lined/dotted
12 line"?

13 **A.** Hard-lined refers to your primary
14 manager, like who would do your performance
15 reviews, for instance, right, and who would manage
16 you and your compensation and things of that
17 nature.

18 Dotted line would be someone that's
19 super important that you need to respond to as
20 well. And so you kind of -- when you have a
21 hard-lined/dotted-line situation, you kind of sit
22 in what's called a matrix organization.

23 **Q.** Turning back to Mr. Brown's role at
24 SolarWinds, was his job title vice president of
25 security and architecture throughout the 2018

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1 there for a while. And so the reason for not
2 being a CISO wasn't really a reason anymore.

3 **Q.** Did his responsibilities change when he
4 became -- had the title of CISO as opposed to VP
5 of security and architecture?

6 **A.** Not because of that title change, no.

7 **Q.** How did they change?

8 **A.** So as I mentioned before, he had three
9 overall duties. We were also in the middle of
10 2020 announcing a split of the company where the
11 MSP business unit was going to split away from
12 SolarWinds, which it ultimately did in 2021. But
13 in preparation for that, we were segregating
14 duties to be -- have individuals more aligned to
15 one or the other business unit. So the MSP group
16 was taking on the -- the role that Tim played with
17 the MSP business unit.

18 **Q.** And was there an individual within the
19 MSP group who took on the role that Mr. Brown had
20 previously played for that group as one of his
21 duties as VP of security and architecture?

22 **A.** There is for sure today. And in 2021
23 they had hired someone. In 2020, as we began the
24 shift, they were searching for someone, but I
25 don't know when exactly that person came in.

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1 through 2020 period?

2 **A.** Yes.

3 **Q.** Why was -- did he not have the title of
4 chief information security officer?

5 **A.** He in particular felt if his title was
6 chief information security officer at that time,
7 that it more archetyped him into the one role
8 of -- that we spoke of of overseeing risk from the
9 macro and the internal IT environment. He wanted
10 to make sure that his title gave him the
11 perception internally of being able to advise in
12 risk to the product team and was one of the
13 reasons his title wasn't CISO.

14 THE REPORTER: His title
15 wasn't?

16 THE WITNESS: CISO, C-I-S-O.

17 Sorry.

18 **Q.** Why did his title change to CISO
19 later?

20 **A.** Post-cyberattack, we had the need to
21 have a person with that title engaging with
22 customers and we felt also at that time, after two
23 years, it didn't matter that the title of VP
24 security and architecture or CISO at that time,
25 everybody understood who he was. He had been

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1 **Q.** And the spinoff of the MSP group, is
2 that what's known as N-central?

3 **A.** N-able.

4 **Q.** N-able?

5 **A.** N-A-B-L-E.

6 **Q.** Is N-central one of their products?

7 **A.** That is one of their products.

8 N-C-N-T-R-A-L (sic).

9 **Q.** Is N-able -- was it spun off you said in
10 2021?

11 **A.** Correct.

12 **Q.** Okay. Does it have any ongoing ties to
13 SolarWinds after the spinoff?

14 **A.** Yes, small ties. I believe we OEM or
15 resell one of their products and I believe they
16 OEM or resell one of our products, but they're not
17 material revenue lines.

18 **Q.** Okay.

19 **A.** We also have certain contractual
20 provisions in the spinoff documentation that
21 are there as well that are pretty typical in a
22 spin.

23 **Q.** Turning to Mr. Brown's reporting
24 responsibilities, with respect to his oversight of
25 the InfoSec group, did he report to the CIO

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1 throughout the relevant period?
 2 **A.** He did. Joe was -- actually, let me
 3 take that back. He reported to Rani throughout
 4 the relevant period because she was CIO. She left
 5 the company right before the end of 2020. And we
 6 were also in the middle of allocating spin, like
 7 the spin, S-P-I-N, between the companies. So Tim
 8 reported to an individual called Chris Day, who we
 9 had found to be our CIO within the business for
 10 SolarWinds and another individual went over to
 11 N-able to be CIO.
 12 **Q.** And was Mr. Day kind of the acting CIO
 13 after Ms. Johnson left the company or --
 14 **A.** Yes.
 15 **Q.** Okay. Why wasn't Mr. Brown promoted to
 16 be the CIO?
 17 **A.** It's not his full skill set. He is
 18 great at information security and that's his
 19 passion, but his passion is not to do business
 20 applications and to do the implementation of IT
 21 operations. He -- he likes information security
 22 and he wanted to stay in that role.
 23 **Q.** Turning back to Mr. Brown's duties when
 24 he was hired, was one of the -- okay.
 25 Was Mr. Brown's position new, newly

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1 created, when he was hired?
 2 **A.** So we had an information security group.
 3 And as the world was changing, we identified the
 4 need to augment that with an experienced leader,
 5 and that's why Tim was brought in. So there was
 6 a -- a VP role created within information security
 7 for Tim to take on, but we had an information
 8 security group.
 9 **Q.** Okay. Was one of the reasons for
 10 Mr. Brown's hiring to increase the maturity levels
 11 of SolarWinds's cybersecurity practices compared
 12 to prior to his hiring?
 13 **A.** Yes. And as I had said before, in order
 14 to keep abreast of what's going on in the world,
 15 yes.
 16 **Q.** Did SolarWinds believe that its
 17 cybersecurity practices were deficient when
 18 Mr. Brown was hired?
 19 **A.** No.
 20 **MR. TURNER:** Object to form.
 21 **Q.** Did SolarWinds believe that its
 22 cybersecurity practices were in need of
 23 improvement to meet industry standard when
 24 Mr. Brown was hired?
 25 **MR. TURNER:** Object to form.

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1 **A.** Not to meet industry standard, but we
 2 knew, given how the world was changing, that we
 3 were going to need to invest in improving the
 4 overall cybersecurity posture of the company.
 5 **Q.** Did Mr. Brown ever directly report to
 6 the chief technology officer?
 7 **A.** I don't believe so. The chief
 8 technology officer was Joe and I believe he always
 9 reported through Rani to Joe.
 10 **Q.** And is that Joseph Kim, for the record?
 11 **A.** Yes.
 12 **Q.** Did Mr. Brown ever report directly to
 13 the CEO, Mr. Kevin Thompson?
 14 **A.** No.
 15 **Q.** I think you might have touched on this
 16 earlier. I just wanted to clarify.
 17 Why was it decided to create a position
 18 of vice president for security and architecture
 19 for the SolarWinds in 2017?
 20 **A.** So, again, we had a need in the three
 21 areas I spoke of earlier, first of all.
 22 Second of all, we were simply maturing
 23 as a company. This is prior to being public. And
 24 looking at where we needed to invest to react to
 25 the overall macro environment. And in 2017 we

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1 were being faced with increased cyberattacks and
 2 threats around the world. We were staring at the
 3 face of global interests in privacy regulation in
 4 particular and all of these were Herculean efforts
 5 to be able to stay with and to comply with. And
 6 so we knew we needed to bring in somebody who had
 7 been experienced in creating programs of that as
 8 it relates to internal IT.
 9 **MR. TODOR:** Counsel, this might
 10 be a logical breaking point if you feel
 11 it's time to take a break.
 12 **MR. TURNER:** Sure.
 13 **THE VIDEOGRAPHER:** The time
 14 right now is 10:42 a.m. and we're off the
 15 record.
 16 (Whereupon, a recess is taken.)
 17 **THE VIDEOGRAPHER:** The time
 18 right now is 11:06 a.m. and we're back on
 19 the record.
 20 **BY MR. TODOR:**
 21 **Q.** Welcome back, Mr. Bliss. I have a
 22 document -- couple documents to present to you.
 23 **MR. TODOR:** First will be Bliss
 24 Exhibit 2, marked as the Amended
 25 Complaint filed by the SEC.

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<p>1 form and scope.</p> <p>2 A. So access controls, broadly, we were in</p> <p>3 this period of time, for instance, looking to</p> <p>4 improve our tools as new tools became available.</p> <p>5 So, for instance, we would have an Active</p> <p>6 Directory that was the tool we used for identity</p> <p>7 management which had access control lists embedded</p> <p>8 into it. And during the relevant period, we were</p> <p>9 undertaking a project to implement Azure AD,</p> <p>10 A-Z-U-R-E, which was a newer tool from Microsoft</p> <p>11 that was cloud based that the team wanted to</p> <p>12 implement during that time.</p> <p>13 Q. What was Mr. Brown's role with respect</p> <p>14 to the selection and implementation of the Azure</p> <p>15 AD?</p> <p>16 A. He -- he would have been a resource, but</p> <p>17 he would not have been proposing that change.</p> <p>18 Q. Who did?</p> <p>19 A. That would have been from IT ops with</p> <p>20 the help in a collaborative fashion with Tim and</p> <p>21 team as to what's the best solution.</p> <p>22 Q. And by "IT ops," are you referring to</p> <p>23 Brad Cline, C-L-I-N-E, and his group?</p> <p>24 A. It was -- Brad was the leader of that</p> <p>25 group for some period. He had left the company</p> <p style="text-align: center;">61</p>	<p>1 within engineering, but it was a pretty open</p> <p>2 dialogue.</p> <p>3 And an example would be Tim could see</p> <p>4 in his role threat actors doing something new in</p> <p>5 the world, as was happening, and he would go back</p> <p>6 and say, "Hey, have you seen this activity from</p> <p>7 this threat actor that's trying to go after this</p> <p>8 library? Do we have it in our product?" for</p> <p>9 instance. That would be an advisory type role.</p> <p>10 Q. Turning your attention to the last</p> <p>11 sentence here in paragraph 22, starting at the</p> <p>12 bottom of the page: "Throughout the relevant</p> <p>13 period, Brown also served as SolarWinds'</p> <p>14 cybersecurity spokesperson, making many public</p> <p>15 statements about SolarWinds' cybersecurity</p> <p>16 practices."</p> <p>17 Is that statement accurate?</p> <p>18 MR. TURNER: Object to form.</p> <p>19 A. I don't think we had one designated</p> <p>20 cybersecurity spokesperson for the entire company</p> <p>21 at this time. For instance, we had people within</p> <p>22 the MSP organization that would talk about</p> <p>23 cybersecurity, for instance.</p> <p>24 Did Tim talk about cybersecurity in a</p> <p>25 public forum during the relevant period? I'm sure</p> <p style="text-align: center;">63</p>
<p>1 and come back as well, but that group is the one</p> <p>2 I'm referring to, yes.</p> <p>3 Q. Do you have anything to add to</p> <p>4 Mr. Cline's deposition with respect to the</p> <p>5 selection and implementation of Azure AD?</p> <p>6 A. I do not. He would be much more</p> <p>7 detailed on it that.</p> <p>8 Q. Turning back to paragraph 22 of the</p> <p>9 amended complaint, turning back to the sentence we</p> <p>10 were looking at, there's an allegation in the</p> <p>11 complaint: "Brown was responsible for the</p> <p>12 company's ongoing security efforts, as well as</p> <p>13 security architecture within its products."</p> <p>14 What, if any, role did Brown have with</p> <p>15 respect to the company's security architecture</p> <p>16 within its products?</p> <p>17 A. Again, very collaborative. He would be</p> <p>18 in an advising role in that situation.</p> <p>19 Q. And would he be advising the -- the --</p> <p>20 the product heads or who would he be advising?</p> <p>21 A. It could be a combination of Joe, which</p> <p>22 those -- the product teams ultimately reported --</p> <p>23 the engineering teams reported up and into. It</p> <p>24 could be the product security team within</p> <p>25 engineering. It could be the architecture team</p> <p style="text-align: center;">62</p>	<p>1 he did, but I don't think he was designated as the</p> <p>2 one spokesperson.</p> <p>3 Q. Was he authorized to speak publicly on</p> <p>4 behalf of SolarWinds with respect to SolarWinds'</p> <p>5 cybersecurity practices during the relevant</p> <p>6 period?</p> <p>7 MR. TURNER: Object to form.</p> <p>8 A. In what type of format do you mean?</p> <p>9 Q. In the -- making public statements, log</p> <p>10 posts, appearing at conferences. Any kind of</p> <p>11 public statement on behalf of SolarWinds with</p> <p>12 respect to cybersecurity.</p> <p>13 A. He would be authorized to talk about</p> <p>14 cybersecurity generally, but we often did not talk</p> <p>15 publicly about specific practices because you</p> <p>16 don't want to make those things public or it gives</p> <p>17 a roadmap to threat actors to attack your</p> <p>18 environment.</p> <p>19 Q. Did Mr. Brown make public statements</p> <p>20 about SolarWinds' cybersecurity practices during</p> <p>21 the relevant period?</p> <p>22 A. I don't recall if he did specifically.</p> <p>23 Q. All right.</p> <p>24 A. I don't recall any specific statements,</p> <p>25 but I wouldn't be surprised if he did.</p> <p style="text-align: center;">64</p>

<p>1 Q. Okay. And am I understanding correctly 2 that he did -- was authorized to speak publicly 3 about cybersecurity generally in his role at 4 SolarWinds? 5 MR. TURNER: Object to form. 6 A. Sorry. Is -- is your question about 7 whether SolarWinds authorized him to speak about 8 cybersecurity generally while he was employed at 9 SolarWinds? 10 Q. Yes. 11 A. Yes. 12 Q. Did SolarWinds ever organize Mr. Brown 13 to appear at a public event to discuss 14 cybersecurity issues -- 15 MR. TURNER: Object to form. 16 Q. -- during the relevant period? 17 A. I don't recall a specific event this 18 long ago, but, you know, as part of his role 19 during the relevant period, he, again, would meet 20 with, in particular, MSP customers in his role 21 that we spoke of previously. 22 Q. Was he kind of the face of cybersecurity 23 for the company? 24 MR. TURNER: Object to form. 25 A. I would not say that.</p> <p>65</p>	<p>1 Q. What were Chris Campbell's duties? 2 A. I don't know specifically how he 3 differed within others, but he was a more 4 technical resource on the information security 5 group. He does some incident response activities, 6 for instance. 7 Q. Okay. Do you have anything else to add 8 beyond what Mr. -- Mr. Brown's deposition with 9 response -- with respect to the duties of any of 10 the individuals within the information security 11 group? 12 MR. TURNER: Object to form. 13 A. I do not. 14 Q. I turn your attention to Topic 5 in the 15 outline -- I mean in the deposition notice -- 16 A. Mm-hmm. 17 Q. -- which is "SolarWinds' drafting, 18 establishment, maintenance, preservation, purpose, 19 approval process, control over content, use, 20 dissemination, and distribution of the security 21 statement on its public website during (and 22 leading up to) the relevant period, including, but 23 not limited to: A, responsible personnel and 24 approval process for the content on the security 25 statement; B, all information used or relied upon</p> <p>67</p>
<p>1 Q. Who else would be? 2 MR. TURNER: Object to form. 3 A. There was an individual whose name 4 escapes me within MSP, for instance, that in 5 addition to Tim would augment that. 6 Q. I direct your attention back to the 7 notice of deposition, to Topic 4, which is 8 "SolarWinds' information security group structure, 9 employees, and reporting responsibilities 10 regarding cybersecurity issues during the relevant 11 period." 12 Do you have anything to add on this 13 topic beyond what you've testified to for Topics 2 14 and 3? 15 MR. TURNER: Object to form. I 16 don't understand the question. 17 A. I would only add that the name escaped 18 me in the information security group that I 19 remembered as I continue to testify was Chris 20 Campbell. 21 Q. Okay. 22 A. And I think I addressed this earlier, 23 but in terms of reporting responsibilities, if 24 it's just -- you know, as to reporting 25 responsibilities, I have nothing to add.</p> <p>66</p>	<p>1 in preparing the security statement; and, C, 2 responsible personnel and approval process for 3 changes, if any, to the security statement." 4 Did I read that correctly? 5 You're being presented with a document 6 being marked as Bliss Exhibit 5 marked as 7 "SolarWinds Security Statement." 8 (Whereupon, exhibit is received 9 and marked Bliss Deposition Exhibit 5 for 10 identification.) 11 BY MR. TODOR: 12 Q. Mr. Bliss, you've been handed a document 13 marked as Bliss Exhibit 5 marked as "SolarWinds 14 Security Statement." 15 Do you recognize this as the 16 public-facing security statement on SolarWinds' 17 website during the relevant period? 18 A. It looks like it, yes. 19 Q. Why was this drafted? 20 A. So we do about 10,000 transactions a 21 quarter and we get a number of questions as we go 22 through these transactions. And a lot of those 23 would root from procurement officers or purchasing 24 agents within companies that more or less have 25 check-the-box-type questions to make sure that</p> <p>68</p>

<p>1 purchasing process with information that they were 2 typically and more often requesting during this 3 time period.</p> <p>4 Q. Turn your attention to -- I'll just ask 5 a few questions about the drafting process. 6 Who wrote the initial draft of the 7 public-facing security statement?</p> <p>8 A. So the sec -- security statement was 9 more or less a summary of that knowledge base I 10 spoke of earlier. So to say it was a -- it was 11 "drafted" is probably an overstatement. It was 12 brought together by the information security group 13 based on that knowledge base.</p> <p>14 Q. By who in the information security 15 group?</p> <p>16 A. I believe it was Eric Quitugua.</p> <p>17 Q. What was Mr. Brown's role in res -- we 18 can break it down first.</p> <p>19 What was Mr. Brown's role with respect 20 to the drafting of the content in the security 21 statement?</p> <p>22 A. He would have been reviewing it, but I 23 do not think he was drafting these sentences.</p> <p>24 Q. What distinction is there between 25 reviewing and drafting, as you've put it there?</p> <p style="text-align: center;">73</p>	<p>1 also been reviewed by other people.</p> <p>2 Q. What other people would have reviewed 3 the draft after Mr. Brown?</p> <p>4 A. The legal team would have reviewed it. 5 His superior, Rani, reviewed it.</p> <p>6 Q. And what was the -- the scope of -- 7 let's break that down -- Ms. Johnson's review of 8 the security statement?</p> <p>9 A. As far as I know, the same as Tim's: 10 Reviewing it, making sure she's comfortable with 11 the statement.</p> <p>12 Q. Was Ms. Johnson making a technical 13 content review of the security statement?</p> <p>14 MR. TURNER: Object to form.</p> <p>15 A. She would have approached it with her 16 expertise, which is why it was a collaborative 17 effort, and been comfortable with -- with those 18 elements, but I don't think any one individual is 19 going to be an expert on all the elements of the 20 security statement.</p> <p>21 Q. And you made reference to the "legal 22 team." And I'd ask you to pause after my 23 question, make sure if your counsel needs to 24 interpose an objection.</p> <p>25 Did the legal team provide any input as</p> <p style="text-align: center;">75</p>
<p>1 A. The material was brought together from 2 the knowledge base and he would have looked at 3 that product and said, Does this look good to him 4 as a security statement?</p> <p>5 Q. And after he does that, what would 6 happen or what did happen?</p> <p>7 A. I don't know specifically what did 8 happen, but the -- the expectation of Mr. Brown 9 and -- and others who reviewed it would be that if 10 they felt something needed to change, they would 11 suggest changes.</p> <p>12 Q. And did Mr. Brown have the ability to 13 suggest changes to the statement as it -- as he 14 received it from Mr. Quitugua?</p> <p>15 A. Did he have the ability to make comments 16 to it?</p> <p>17 Q. To make changes, yes.</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And Mr. Brown was Mr. Quituga's 20 superior in the organization, correct?</p> <p>21 A. Correct.</p> <p>22 Q. So if Mr. Brown wanted to redline the 23 document and make changes, he had the ability to 24 do that with Mr. Quitugua's draft, correct?</p> <p>25 A. Correct. And those changes would have</p> <p style="text-align: center;">74</p>	<p>1 to the technical aspects of the security 2 statement?</p> <p>3 A. They could have reviewed at a high level 4 some of the elements. And it depends on what you 5 mean by "technical aspects," but mostly they would 6 be performing a role of asking questions if they 7 were unsure of things or making sure the statement 8 reads appropriately as well.</p> <p>9 Q. To your knowledge, did the legal team 10 make any changes to the technical representations 11 in the security statement as to what the actual 12 security practices involved were?</p> <p>13 A. I do not know. I do not know.</p> <p>14 Q. Okay.</p> <p>15 A. Sorry.</p> <p>16 Q. Which individuals in the legal team 17 reviewed the security statement?</p> <p>18 A. Jenny Zador, Z-A-D-O-R.</p> <p>19 Q. And did you review it?</p> <p>20 A. I don't recall.</p> <p>21 Q. What were the steps in the process 22 between the initial draft and the document being 23 approved for being posted on the public-facing 24 website?</p> <p>25 A. I -- I don't recall there being, you</p> <p style="text-align: center;">76</p>

<p>1 Q. What degree of control did Mr. Brown 2 have over SolarWinds' cybersecurity practices as 3 they relate to following the NIST cybersecurity 4 framework? 5 MR. TURNER: Object to form. 6 A. I don't understand. 7 Q. Did Mr. Brown have the authority to say, 8 yes, we're going to follow NIST cybersecurity 9 framework or some other approach? 10 A. He certainly could have provided that 11 input, yes. 12 Q. Who would have made the decision on that 13 ultimately? 14 MR. TURNER: Object to form. 15 A. That level of decision probably would 16 have been made from not just Tim in a vacuum, but 17 it would have included Rani as well and perhaps 18 even Joe. 19 Q. You say SolarWinds started looking, I 20 think you said in your prior response, at the NIST 21 cybersecurity framework in 2017. 22 At -- at some point did SolarWinds start 23 having scorecards for its maturity level on this 24 cybersecurity framework? 25 A. When you say "scorecard," what exactly</p> <p style="text-align: center;">85</p>	<p>1 Mr. Quitugua would be making that analysis or was 2 that something Mr. Quitugua did on his own? 3 MR. TURNER: Object to form. 4 A. I'm not aware of the exact process 5 there. 6 Q. Were there any action items as a result 7 of maturity levels on the NIST cybersecurity 8 framework within SolarWinds during the relevant 9 time period as in you need to improve X area as a 10 result of NIST cybersecurity maturity levels that 11 were measured? 12 MR. TURNER: Object to form. 13 A. Are you saying did we adjust overall 14 resources and activities with the scorecard or the 15 underlying NIST framework assessment in response 16 to those? 17 Q. Yes. 18 A. Yes. That's part of the purpose of the 19 CSF, is to identify and assess your environment 20 and look at where you have existing activities and 21 to measure what is being done. 22 Q. What -- who at SolarWinds would be 23 making that kind of decision? 24 A. I think it would be varied based on the 25 materiality of those activities.</p> <p style="text-align: center;">87</p>
<p>1 do you mean? 2 Q. So in the quarterly risk reviews and the 3 security compliance quarterlies, there would be 4 scorecards. We might see some of them later. 5 A. Yes. 6 Q. Why was that decision made and -- and 7 did that reflect some -- let's answer that one 8 first. Why was that decision made? 9 A. So the scorecard was a template or a 10 format that presented the underlying NIST 11 assessments. The decision was made to create that 12 template or that visual because it provided 13 distilled information at the level for the 14 audience there, which in the QRRs were 15 executives. 16 Q. Okay. Was SolarWinds tracking maturity 17 levels on the NIST cybersecurity framework before 18 it started having the scorecards on the 19 presentations to the senior executives? 20 A. Yes. 21 Q. When did it start doing that? 22 A. I don't know a precise date, but I know 23 that Eric Quitugua was looking at the NIST 24 cybersecurity framework in early 2017. 25 Q. Was that an organizational decision that</p> <p style="text-align: center;">86</p>	<p>1 Q. I turn your attention later to the 2 page 3 of the document where it says "Access 3 Controls." 4 What, if any, control did Mr. Brown have 5 over SolarWinds' cybersecurity practices that 6 related to access controls as described in this 7 paragraph? 8 A. Again, he would be a very important 9 voice in advising on what's happening in the 10 industry, how it's evolving, how we should 11 evolve, and advising IT operations who, in this 12 specific example, implemented role-based access 13 controls. 14 Q. Looking to the next section on 15 "Authentication and Authorization." And you can 16 familiarize yourself with the section as you need 17 to. My question will be similar. 18 What degree of control did Mr. Brown 19 have over SolarWinds' cybersecurity practices as 20 they relate to authentication and authorization as 21 described in this section? 22 A. It's difficult to answer because the 23 statements are very high level. For instance, we 24 say "We require that authorized users be 25 provisioned with unique account IDs." That is</p> <p style="text-align: center;">88</p>

<p>1 This was a nontechnical program manager that did 2 her job to try to understand roughly what do the 3 controls look like in FedRAMP and how big of an 4 initiative would this be based on the limited 5 knowledge she knew in her head without doing 6 diligence throughout the company? 7 Q. Was there a decision made whether or not 8 to pursue FedRAMP certification after Ms. Pierce's 9 analysis? 10 A. We have not pursued FedRAMP 11 certification. 12 Q. Why have you not pursued it? 13 A. Because it is a long, arduous, expensive 14 initiative that we felt the return of doing that 15 was greatly outweighed by the investment and time 16 on that project which could be spent better on 17 other projects. 18 Q. Okay. If I were to present you with 19 the -- the FedRAMP assessment documents, would you 20 be in a position to talk about any of the 21 technical issues set forth in them, or would you 22 be deferring to the testimony of other witnesses 23 who had spoken to the technical issues? 24 A. Yeah, I would not recall the reasons 25 for -- or understand the controls or understand</p> <p>189</p>	<p>1 frame, was there a technical person reviewing your 2 cybersecurity program, fact-finding and assessing 3 the program? 4 MR. TURNER: Objection to 5 form. 6 A. Broad question, but if you look at, 7 like, the security scorecards and kind of 8 subjective determinations that folks were making 9 there, I would say they were assessing our 10 cybersecurity program, yes. 11 Q. Are there -- were there any other 12 routine efforts at SolarWinds other than 13 these NIST cybersecurity scorecards that 14 represented this kind of effort by the technical 15 people to assess the state of the cybersecurity 16 program? 17 A. I'm sure. 18 Q. What were those? 19 A. I mean, there's lots of examples in the 20 broad definition of that: Penetration testing, 21 things that the information security team would 22 do, things the product security team would do. 23 They're too voluminous for me to -- to cite them 24 all, yeah. 25 Q. And I was referring specifically to</p> <p>191</p>
<p>1 the reasons for the assessment underneath it. I 2 would defer to Kellie. 3 Q. Was there ever -- so you had said that 4 this effort was not a technical person going forth 5 and really evaluating whether SolarWinds was 6 following its controls correctly. 7 Was there such an assessment by some 8 technical person at some point in the relevant 9 period? 10 MR. TURNER: Object to form. 11 A. Based on 800-53 or FedRAMP? 12 Q. Or in the cybersecurity framework 13 generally. 14 MR. TURNER: Object to form. 15 A. Yeah, there -- there was never a 16 technical person that did a FedRAMP assessment -- 17 Q. Okay. 18 A. -- that I'm aware of. 19 Q. Was there -- let me see if I can look at 20 the prior answer. 21 In the prior answer, you had said "This 22 was not a technical person reviewing our 23 cybersecurity program fact-finding and assessing 24 the program." 25 At some point in the 2018 to 2020 time</p> <p>190</p>	<p>1 assessment of the program as a whole. 2 Other than the -- the -- the 3 cybersecurity, the NIST scorecards, were there 4 efforts to assess the state of the program as a 5 whole? 6 MR. TURNER: Object to form. 7 A. I -- I just don't understand that 8 question. 9 Q. Okay. We'll see the specific ones 10 later. 11 Turn your attention to Topic 8.b, the 12 deposition notice, which is the "April 2021 13 assessment of" sober -- "SolarWinds' 14 cybersecurity using NIST 800-53 referred to in 15 SW-SEC185450." 16 (Whereupon, exhibit is received 17 and marked Bliss Deposition Exhibit 10 18 for identification.) 19 THE REPORTER: Bliss 10 for 20 identification. 21 BY MR. TODOR: 22 Q. Okay. Mr. Bliss, you've been presented 23 with a document marked as Bliss Exhibit 10 for 24 identification; has Bates number SW-SEC00185450 25 through 5453. It appears to be an email sent from</p> <p>192</p>

<p>1 investing, the static state today is going to 2 leave us in a vulnerable state. And I hope every 3 cyber person thinks that because if you stand 4 still, you will be in a vulnerable state years 5 from now as the macro is changing. 6 And I think that's -- the risk here that 7 he's identifying is the macro's changing 8 dramatically and we need to be investing in that. 9 Q. What is SolarWinds' understanding as to 10 whether Mr. Brown was using hyperbole in this 11 statement? 12 A. I would -- I would think he is using 13 hyperbole in this statement. 14 Q. What's SolarWinds' basis for that 15 conclusion? 16 A. It's natural human nature when you're in 17 a budget request to be -- particularly in cyber, 18 to be stating things of why you need budget. But, 19 again, this isn't a fact of which he's being 20 hyper -- hyperbolic about. This is a risk he's 21 identifying. 22 Q. I direct your attention down to the 23 fifth bullet. There's a statement: "Without 24 training our employees will continue to be one of 25 our biggest risks," which is coded in red.</p> <p style="text-align: center;">217</p>	<p>1 big, it takes time to implement. And as you talk 2 about training people, you're training people not 3 just on the programs and the workflows, but on new 4 tools you're introducing, for instance, and 5 operationalizing that. 6 So you're doing that on a regular 7 cadence. So when you bring in new developers or 8 you acquire companies and you bring in developers 9 en masse from acquisitions, you can get them to 10 scale up the learning curve and standardize with 11 the procedures he was recommending to augment our 12 activities. 13 Q. Was this secure development training a 14 budget request for an additional \$30,000 approved? 15 A. I don't recall what the request was for 16 or what was funded and whether it wasn't needed to 17 be funded because, for instance, he might have 18 been thinking about a tool, but we just 19 encompassed it into our broader training tool, for 20 instance, but I don't know the answer to that. 21 Q. You said in an earlier answer that 22 this -- that these risks of noninvestment were not 23 factual findings. 24 Is that what you said? 25 A. That first one in particular, yeah.</p> <p style="text-align: center;">219</p>
<p>1 What is SolarWinds' understanding as to 2 why that's coded in red? 3 A. I don't have recollections as to why 4 this is a red. 5 Q. What was the status of SolarWinds' 6 security training initiatives in October 2018 as 7 they related to secure development training? 8 MR. TURNER: Objection to 9 form and scope and foundation. 10 A. As it related to the Colquitt 11 initiative? 12 Q. So I'm referring specifically -- there's 13 a budget request slide here -- 14 A. Mm-hmm. 15 Q. -- on the right that says "Secure 16 Development Training, \$30,000," and that is coded 17 in red. 18 A. Mm-hmm. 19 Q. So what is SolarWinds' understanding as 20 to why that is coded in red? 21 A. I don't have a specific recollection as 22 to why that is coded in red, but as a reminder, 23 Steven Colquitt had a program that he was 24 introducing to up-level the secure development 25 within the company. And as with a program that</p> <p style="text-align: center;">218</p>	<p>1 That's an identified risk of in Tim's mind what a 2 risk would be, much like we would say in risk 3 factors, if we stayed still. 4 Q. So is the statement "Current state of 5 security leaves us in a very vulnerable state for 6 our critical assets" not a factual finding? 7 A. I do not think it is a factual 8 finding. 9 Q. Why not? 10 A. I don't think that they believed there 11 was any material issue with their cybersecurity 12 program at this time. 13 Q. Why is saying "a very vulnerable state" 14 not saying that there was a material issue with 15 the cybersecurity program? 16 MR. TURNER: Okay. Object. 17 You're asking him about Tim's state of 18 mind. Tim has already testified that 19 this was not a factual finding. You're 20 asking about the company's position. 21 He's told you the company's position. 22 Beyond that I'm -- I'm not sure 23 what other information this witness has 24 to provide. 25 MR. TODOR: That's what I'm</p> <p style="text-align: center;">220</p>

<p>1 trying to find out.</p> <p>2 A. I'd just go back to my hyperbole</p> <p>3 comments and he's identifying a risk and this is</p> <p>4 not a factual finding. And I'd defer to his</p> <p>5 testimony with respect to that as well.</p> <p>6 Q. Turning your attention to the third</p> <p>7 bullet on 3361 under "Risk of Noninvestment."</p> <p>8 There's a statement: "We have had 22 reported</p> <p>9 security incidents this year. Reactive responses</p> <p>10 costs significantly more than being proactive."</p> <p>11 It appears to be coded red.</p> <p>12 What's SolarWinds' understanding as to</p> <p>13 why that's coded red?</p> <p>14 MR. TURNER: Objection to</p> <p>15 scope.</p> <p>16 A. I don't recollect the reason for why</p> <p>17 that's red.</p> <p>18 Q. I direct your attention --</p> <p>19 A. I defer -- I defer to Tim's testimony.</p> <p>20 Q. Okay. I direct your attention to the</p> <p>21 "Overall Budget Request" section to the section on</p> <p>22 "internal/external pen test." And there are</p> <p>23 figures that are coded yellow.</p> <p>24 What's SolarWinds' understanding as to</p> <p>25 why that's coded yellow?</p> <p style="text-align: center;">221</p>	<p>1 SolarWinds?</p> <p>2 A. I'd have to be reminded on the audience</p> <p>3 for this particular one.</p> <p>4 Q. What is your understanding of who the</p> <p>5 audience was?</p> <p>6 A. So -- so there are various reports of</p> <p>7 security compliance programs that would be perhaps</p> <p>8 more detailed within the IT organization that</p> <p>9 would get summarized as -- as we went to report to</p> <p>10 the executives, for instance. I'm not sure which</p> <p>11 one this exactly is. It looks to me like it's for</p> <p>12 presentation to the IT organization given the</p> <p>13 cover, but I didn't want to presume that without</p> <p>14 knowing.</p> <p>15 Q. If you look at the second page, it looks</p> <p>16 like there are security and compliance initiatives</p> <p>17 as "legal, financial, product, federal, security,</p> <p>18 and information technology."</p> <p>19 Does that suggest anything to you about</p> <p>20 who the audience would be?</p> <p>21 A. No, not this slide. No.</p> <p>22 Q. Okay. Is it likely it's someone fairly</p> <p>23 senior?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you have any knowledge -- and you can</p> <p style="text-align: center;">223</p>
<p>1 A. Again, I'd defer to Tim's testimony on</p> <p>2 why that's yellow.</p> <p>3 Q. Did SolarWinds make a decision to</p> <p>4 prioritize internal as opposed to external pen</p> <p>5 testing at this time?</p> <p>6 MR. TURNER: Objection to</p> <p>7 form, foundation, and scope.</p> <p>8 A. I would defer to Tim if he testified on</p> <p>9 that, but I don't know.</p> <p>10 Q. Okay.</p> <p>11 MR. TODOR: Next document.</p> <p>12 (Whereupon, exhibit is received</p> <p>13 and marked Bliss Deposition Exhibit 14</p> <p>14 for identification.)</p> <p>15 THE REPORTER: Bliss 14 for</p> <p>16 identification.</p> <p>17 THE WITNESS: Thanks.</p> <p>18 BY MR. TODOR:</p> <p>19 Q. And you've been presented with a</p> <p>20 document marked as Bliss Exhibit 14 marked with</p> <p>21 Bates SW-SEC00001635 through 1652. Appears to be</p> <p>22 a PowerPoint, "SolarWinds Security and Compliance</p> <p>23 Program Quarterly, May 17, 2019."</p> <p>24 So what was the purpose of security and</p> <p>25 compliance program quarterly documents within</p> <p style="text-align: center;">222</p>	<p>1 look at the page 1641 for security compliance</p> <p>2 initiatives listed for security.</p> <p>3 Do you have any knowledge of the</p> <p>4 technical input that went into these?</p> <p>5 A. Are you asking if I have knowledge as to</p> <p>6 the kind of diligence underneath these?</p> <p>7 Q. Yeah. So, like, what would be the -- the</p> <p>8 workflow for coming up with that first item,</p> <p>9 "Secure Development Life Cycle, working with the</p> <p>10 engineering and development teams to continue to</p> <p>11 mature and adopt the SDL"?</p> <p>12 How was that statement generated?</p> <p>13 A. I don't know who authored it or</p> <p>14 generated it.</p> <p>15 Q. Okay. Would it be a typical practice</p> <p>16 for the information security group to take the</p> <p>17 lead on developing the security and compliance</p> <p>18 initiatives for security?</p> <p>19 MR. TURNER: Object to form.</p> <p>20 A. Can you say that maybe slightly</p> <p>21 differently?</p> <p>22 Q. Okay. So the secure development life</p> <p>23 cycle says "Working with the engineering and</p> <p>24 development teams..."</p> <p>25 Who is working with the engineering and</p> <p style="text-align: center;">224</p>

<p>1 development teams?</p> <p>2 A. I'm not sure exactly again audience and</p> <p>3 who's saying that, but I would assume it is the IT</p> <p>4 team broadly speaking under Rani.</p> <p>5 Q. Okay.</p> <p>6 A. You see on the right under "Teams," it</p> <p>7 talk about -- talks about the teams who were</p> <p>8 involved, it looks like. That's engineering and</p> <p>9 DOIT, which was the catchy name that Rani had for</p> <p>10 the IT team.</p> <p>11 Q. That's all on that one.</p> <p>12 (Whereupon, exhibit is received</p> <p>13 and marked Bliss Deposition Exhibit 15</p> <p>14 for identification.)</p> <p>15 THE REPORTER: Bliss 15 for</p> <p>16 identification.</p> <p>17 BY MR. TODOR:</p> <p>18 Q. And you've been handed a document marked</p> <p>19 as Bliss Exhibit 15. It has Bates SW-SEC00001497</p> <p>20 through 1550. Appears to be a PowerPoint,</p> <p>21 "SolarWinds Security and Compliance Programs,</p> <p>22 Quarterly Overview, August 16, 2019."</p> <p>23 Do you have an understanding as to the</p> <p>24 audience for this document?</p> <p>25 A. I -- not precisely, but my understanding</p> <p>225</p>	<p>1 Bates 1504 and 1505, which 1504 appears to be</p> <p>2 overview of SolarWinds' security program.</p> <p>3 Are -- are you there?</p> <p>4 A. Mm-hmm. Yes.</p> <p>5 Q. And 1505 appears to be a SolarWinds</p> <p>6 scorecard for NIST maturity level?</p> <p>7 A. Yes.</p> <p>8 Q. Was this the first time the NIST</p> <p>9 maturity level scorecard was reported to senior</p> <p>10 management to SolarWinds's knowledge?</p> <p>11 A. I believe it was.</p> <p>12 Q. What was the purpose for presenting the</p> <p>13 SolarWinds' NIST maturity level scorecard to</p> <p>14 senior management at this time?</p> <p>15 A. So I want to be specific. This was the</p> <p>16 first time this format was used. That's what the</p> <p>17 scorecard was, was a template, as I mentioned</p> <p>18 earlier in my deposition, of broadcasting the NIST</p> <p>19 maturity level in this type of arrangement.</p> <p>20 Q. Okay. How, if at all, were the NIST</p> <p>21 maturity levels reported to senior management</p> <p>22 before implementation of having these</p> <p>23 scorecards?</p> <p>24 A. I recollect there being other documents</p> <p>25 I mentioned, Excels and Word documents, that the</p> <p>227</p>
<p>1 by looking at it here is that it probably had an</p> <p>2 executive audience and I would -- don't know</p> <p>3 who -- what that large group is. This could be a</p> <p>4 precursor to the QRRs.</p> <p>5 Q. Okay. And the QRRs, was there a</p> <p>6 regular meeting group who would meet to discuss</p> <p>7 the QRRs?</p> <p>8 A. That would be the -- the audience for</p> <p>9 when the QRRs were presented?</p> <p>10 Q. Yes.</p> <p>11 A. Yes. Every at least quarter we would</p> <p>12 have an overall readout between the CFO, myself,</p> <p>13 Joe Kim, Rani would be included, and then Tim and</p> <p>14 members of the various teams.</p> <p>15 Q. Okay. Were -- were there similar</p> <p>16 meetings to discuss these security and compliance</p> <p>17 program quarterly overviews?</p> <p>18 A. That -- that's my only hesitation. I</p> <p>19 believe this was a precursor to it being called</p> <p>20 the quarterly risk review.</p> <p>21 Q. Okay.</p> <p>22 A. And this is a similar meeting, but I</p> <p>23 can't verify that without the company invite or</p> <p>24 email.</p> <p>25 Q. Okay. I'll direct your attention to</p> <p>226</p>	<p>1 information security team would have. And if we</p> <p>2 had a readout of that before, it would either be</p> <p>3 through verbal, but probably not the detailed</p> <p>4 document.</p> <p>5 Q. Okay. Turning your attention here to</p> <p>6 the scorecard, what was the process for</p> <p>7 generating the -- the individual numerical scores</p> <p>8 seen here?</p> <p>9 A. So I'd defer to Tim's testimony on this,</p> <p>10 but ultimately utilizing the NIST CSF categories</p> <p>11 and subcategories, they would make subjective</p> <p>12 determinations as to what we were doing and</p> <p>13 focused on investing in within each of the</p> <p>14 subcategories and ascribing a score based on where</p> <p>15 they thought we were at.</p> <p>16 Q. If you look at the individual sub scores</p> <p>17 starting at Bates 1506 going through 1510, those</p> <p>18 appear to be 2019 NIST maturity level scores.</p> <p>19 Does SolarWinds have an understanding as</p> <p>20 to how the scores for 2017 and 2018 were</p> <p>21 generated?</p> <p>22 A. No. I'd have to defer to the testimony</p> <p>23 of Eric and Tim.</p> <p>24 Q. Okay. Turn your attention to the Bates</p> <p>25 1506. And I'd just ask you also to keep -- and</p> <p>228</p>

<p>1 you can refer back to 1505. It has a description 2 of what the various maturity levels are 3 corresponding to under NIST.</p> <p>4 A. Mm-hmm.</p> <p>5 Q. I direct you to the "Secure software 6 development life cycle" security category. And 7 there's an objective: "Employees are aware of 8 an" -- it looks like "and" should be -- "utilize a 9 security software development lifecycle in their 10 day-to-day activities." And there's a NIST 11 maturity level of 2.</p> <p>12 What's SolarWinds's understanding as to 13 why the ranking was 2?</p> <p>14 A. So this was indicating at this time 15 period part of the initiative that we spoke of 16 with Steven Colquitt and rolling out his 17 enhancement to the development life cycle and 18 making sure not only that people were trained, but 19 that we had an operationalized training system to 20 bring full awareness of the program.</p> <p>21 And, you know, it's -- again, it's not a 22 zero, which is like it's not happening. It's a 2, 23 which is not a bad score. That probably is 24 talking about having documentation in place, for 25 instance, behind it and making sure that we are</p> <p style="text-align: center;">229</p>	<p>1 A. I -- I first believe this is a -- again, 2 another hyperbolic statement here probably 3 overstated, because we did have access rights and 4 privilege rights, certainly at a minimum what was 5 in the securities statement.</p> <p>6 What this might be referring to is we 7 had ongoing improvement processes going on. And 8 around this time, we were doing various 9 improvement activities around identity management, 10 for instance. And it was more around 11 standardizing on a tool, standardizing on a 12 process across the entire country. And we are 13 also implementing Thycotic -- T-H-Y-C-O-T-I-C -- 14 privilege access management.</p> <p>15 And so I think amongst those two 16 projects that were going on for standardization 17 and evolution, that's probably why that bullet 18 existed.</p> <p>19 Q. You used the term "Thycotic." 20 What does that mean?</p> <p>21 A. Thycotic is a product, third-party 22 product from a company called -- the product's 23 called Secret Server and it is a tool that helps 24 with privilege access management.</p> <p>25 Q. What's SolarWinds's understanding as to</p> <p style="text-align: center;">231</p>
<p>1 proactively creating a cadence to train people.</p> <p>2 Q. Are you aware of any additional security 3 activities as opposed to documentation or 4 standardized training that was being implemented 5 as part of the secure software development life 6 cycle during this period?</p> <p>7 A. Not specific documentation, for 8 instance, but we had seen some prior evidence of a 9 document that was being revised, for instance, 10 right.</p> <p>11 Q. Is that -- when we were looking at the 12 list of policies document --</p> <p>13 A. Correct.</p> <p>14 Q. -- is that what you're referring to?</p> <p>15 A. Correct.</p> <p>16 Q. Turn your attention to the next page, 17 Bates 1607 marked "Protect" at the top --</p> <p>18 A. Mm-hmm.</p> <p>19 Q. -- and direct your attention to the 20 bullets at the top under "Highlights." And the 21 first bullet states "Access and privilege to 22 critical systems/data is inappropriate. Need to 23 improve internal processes/procedures."</p> <p>24 What's SolarWinds's understanding as to 25 the basis for that statement?</p> <p style="text-align: center;">230</p>	<p>1 the critical system/data that are being referred 2 to in that bullet?</p> <p>3 A. I don't know if there was a specific 4 underlying system or data that is being referred 5 to in this bullet or as a general statement is a 6 belief we have that access and privilege needs to 7 be standardized across the entire company and we 8 need to make improvements in tooling, which are 9 now coming online in the market.</p> <p>10 Q. What is -- what is SolarWinds's 11 understanding of the processes and procedures that 12 are being referred to in this bullet as needing to 13 improve?</p> <p>14 A. I think it probably relates to that 15 standardization of processes and procedures 16 through the company around how do you -- you have 17 an identity management program over here, perhaps 18 Google Identity Management. You have Active 19 Directory. We're trying to bring Azure on line. 20 A-Z-U-R-E. And with the standardization of tools, 21 there's also a standardization of process and 22 procedure and workflow that go with that. And 23 these naturally connect.</p> <p>24 Q. I direct your attention to the fourth 25 bullet under "Highlights." There's a statement:</p> <p style="text-align: center;">232</p>

<p>1 "Moving towards zero trust model (where we 2 loosely protect all and strongly protect those 3 that can do material harm). Less requirements on 4 VPN." 5 What is SolarWinds' understanding as to 6 what the status of progress was towards zero trust 7 model as of the date of this presentation in 8 August 16th, 2019? 9 A. We -- we're always looking to improve 10 and zero trust is another model that was around 11 that we were looking to make sure that as we 12 provisioned and monitored, we were doing it 13 according to that model. So it's -- it's just 14 simply an improvement upon the least privilege 15 model that we were implementing at this time. 16 Q. Why does it say "Less requirements on 17 VPN"? 18 A. I'm not sure and I'd have to defer to 19 any testimony that discussed that. It's probably 20 more of a technical issue than I know. 21 Q. I direct your attention to the "Security 22 Category" section and to the last row there. It 23 states "Authentication, Authorization and Identity 24 Management," and the objective is "user identity, 25 authentication and authorization are in place and</p> <p style="text-align: center;">233</p>	<p>1 within the document. And this is a slide marked 2 "Financial: Enterprise Access Management (SOX 3 compliance)." 4 What was the role for, I guess, the -- 5 the financial review for enterprise access 6 management at SolarWinds? 7 MR. TURNER: Objection to 8 form. 9 A. What -- what do you mean by the 10 process? 11 Q. So was it something that would be part 12 of the SOX compliance audit? 13 MR. TURNER: Would -- would 14 what be part of the -- 15 MR. TODOR: Enterprise access 16 management. 17 A. It would be part of the Sarbanes-Oxley 18 initiative, yes. 19 Q. Okay. And I direct your attention to 20 the description that states "Access management 21 describes the management of individual identities, 22 their authentication, authorization, roles, and 23 privileges within the enterprise in order to 24 minimize security risks associated the use of 25 privileged and nonprivileged access." It</p> <p style="text-align: center;">235</p>
<p>1 actively monitored across the company." And it 2 says NIST maturity level is 1. 3 What is SolarWinds' understanding as to 4 why the NIST maturity level was 1 for that item? 5 A. So, again, subjective determination. 6 Generated a conversation in this venue in 7 particular of ongoing activities. I mentioned 8 Azure, A-Z-U-R-E, as one of those activities. And 9 it refers again to standardization of the identity 10 management across all of SolarWinds and its 11 properties. 12 Q. What was SolarWinds' understanding of 13 what steps needed to be taken to improve the NIST 14 maturity level from 1 to a higher level as of this 15 point? 16 A. The completion of a -- of projects that 17 were in place, in particular Azure AD, and the 18 rolling out of that tool and training behind that 19 tool to the full organization is an example. 20 Q. Any other examples that you're aware 21 of? 22 A. I'm not aware of this determination 23 referring to more than that, but I would defer to 24 any testimony that might highlight anything. 25 Q. I turn your attention to Bates 1523</p> <p style="text-align: center;">234</p>	<p>1 looks like there probably should have been a 2 "with." 3 Was that an initiative at SolarWinds to 4 improve on access management in the -- on around 5 August 2019? 6 MR. TURNER: Object to form. 7 A. I think this was an attempt to describe 8 what this project is. 9 Q. Okay. 10 A. Probably imperfect. 11 Q. Okay. And looking at the "Issues, Risks 12 and Dependencies," category 1.1, it says "Concept 13 of least privilege not followed as a best 14 practice." 15 What was SolarWinds' basis for 16 describing that as an issue, risk, or 17 dependency? 18 A. I believe that's an identified risk. 19 That could be the case, but I don't know -- I 20 don't agree that least privilege was not followed, 21 if that's your question, at this time period 22 because there's ample evidence that it was. 23 Q. Okay. There are some timelines here, 24 key milestones. 25 Do these relate to progress on the</p> <p style="text-align: center;">236</p>

<p>1 cadence or not on when to assess it, but -- yeah, 2 I'd defer to testimony on that from Eric and Tim 3 in particular. 4 Q. Was there an every three months, every 5 six months, annual-type review of the scorecards 6 as a general matter? 7 A. At a minimum, we would see annual 8 updates. But I don't know with Eric and Tim the 9 cadence of their revisiting the maturity level and 10 the audit they performed on that or -- 11 Q. And by "cadence," were you referring to 12 frequency of -- of regularly conducted activity of 13 some kind? 14 A. Only with respect to them taking on the 15 task to go through the subjective determination in 16 their mind as to the snapshot in time as to where 17 we stand across the NIST CSF. I'm not sure 18 there's a formulaic time period you should be 19 doing that on. NIST certainly is a voluntary 20 program to begin with. 21 So I don't know if that team had a 22 defined time period that they would do that on or 23 if they would do interim checks. 24 Q. Okay. 25 MR. TURNER: JJ, do you have</p> <p style="text-align: center;">245</p>	<p>1 What is the difference, if any, between 2 a quarterly risk review and a security and 3 compliance quarterly review within SolarWinds? 4 A. So Exhibit 15 is a security and 5 compliance program quarterly overview without the 6 subheader of -- 7 Q. Okay. 8 A. -- DOIT, D-O-I-T. 9 That, again, looked to have an executive 10 audience. 11 The Q1 2020 QRR, this one has a 12 subheader that says "Security and compliance 13 program office," which then goes on to describe 14 Dev-Ops plus IT plus legal plus finance. 15 I am not certain if this is the same as 16 the QRR presented to executives or not. 17 Q. Okay. What executives would attend the 18 QRR presentations? 19 A. Typically Joe, myself, Bart Kalsu and -- 20 those are the executives. You had Rani and Tim as 21 next layer down. 22 Q. Okay. I'll direct your attention to 23 page 4 of the deck with Bates 1611. It's marked 24 as "SolarWinds scorecard NIST maturity level." 25 What is SolarWinds' understanding as to</p> <p style="text-align: center;">247</p>
<p>1 any idea how much longer you have? 2 MR. TODOR: Depends on how long 3 the answers take. 4 MR. TURNER: Always. 5 MR. TODOR: Yeah. 6 MR. TURNER: Assuming we're -- 7 MR. TODOR: An hour-ish range 8 probably. 9 MR. TURNER: -- a cadence. 10 Okay. 11 (Whereupon, exhibit is received 12 and marked Bliss Deposition Exhibit 17 13 for identification.) 14 THE REPORTER: Exhibit 17 for 15 identification. 16 MR. TODOR: Thank you. 17 BY MR. TODOR: 18 Q. And, Mr. Bliss, you've been presented 19 with a document marked Bliss Exhibit 17. It has 20 Bates SW-SEC00001608 through 1634. It appears to 21 be a -- 22 THE REPORTER: Three-four? 23 MR. TODOR: Three-four. 24 Q. It appears to be a PowerPoint marked 25 "SolarWinds Q1 2020 Quarterly Risk Review (QRR)."</p> <p style="text-align: center;">246</p>	<p>1 how those 2020 targets were generated? 2 A. I'd defer to Eric and Tim's testimony on 3 that. 4 Q. Okay. I direct your attention to the 5 "Identify Key Risks" section. There's a 6 statement: "Security processes not consistently 7 implemented." 8 What is SolarWinds' understanding of the 9 basis for identifying that as a key risk? 10 A. I'm not sure of the underlying reasons 11 there as to why that is identified as a risk. Not 12 an issue but a risk. 13 Q. Okay. Were there -- was SolarWinds 14 aware of any security processes that were not 15 consistently implemented as of the March 3rd, 16 2020, date of this QRR? 17 MR. TURNER: Objection; form, 18 foundation, and scope. 19 A. No. I -- I -- again, as it relates to 20 identify, we were always looking to standardize 21 and to automate. And if there's processes, 22 there's security processes, they may be fine in 23 each system, but they're not consistent amongst 24 the two. That's the only thing I can think of. 25 Q. Under "Key Improvements," the first</p> <p style="text-align: center;">248</p>

<p>1 A. I'm sorry. Is your question whether 2 there were any access? 3 Q. Access audit deficiencies brought to 4 SolarWinds' senior management around this time. 5 A. I'm -- 6 MR. TURNER: Object to scope, 7 foundation. 8 A. I'm not sure around this time, but, 9 again, with user access reviews, we might find 10 isolated cases of access rights that we'd identify 11 and the team would remediate. 12 Q. Okay. Do you recall any specific action 13 items taken as a result of this one? 14 A. I honestly can't read the left side of 15 this slide so it's tough for me to say. 16 (Whereupon, exhibit is received 17 and marked Bliss Deposition Exhibit 19 18 for identification.) 19 THE REPORTER: Bliss 19 for 20 identification. 21 BY MR. TODOR: 22 Q. This is a document marked Bliss 19. It 23 has Bates SW-SEC00388330. Appears to be an email 24 from Danielle Campbell to various individuals 25 March -- dated March 2nd, 2020. "Subject: SOX:</p> <p style="text-align: center;">257</p>	<p>1 Was part of your and Mr. Kalsu's duties 2 to have briefings on SOX control deficiencies? 3 A. Yes. In the QRR, we would -- 4 Q. Mm-hmm. 5 A. -- see these. 6 Q. And would those include audit findings 7 related to access controls? 8 A. It would have identified at a higher 9 level the summary of the issues, yes. 10 Q. And coming back to the Q2 2020 document 11 we were looking at, does this -- does that appear 12 to be dealing with the audit findings with 13 respect to access that are being alluded to in the 14 email? 15 A. You're talking about Slide 17? 16 Q. The slide with -- 17 A. The one I couldn't read? 18 Q. Yeah. The one -- yes. 19 A. I don't know if this is specifically a 20 readout of what this email pertains to. I 21 remember a more simplified form than this. 22 Q. Okay. And as you're aware -- are you 23 aware of any action SolarWinds took with respect 24 to remediating an audit efficiency with respect to 25 access controls in or after March of 2020?</p> <p style="text-align: center;">259</p>
<p>1 Control Deficiencies FY19." And then the body of 2 the email states "Hi, I wanted to send you an 3 email to let you know that we have control 4 deficiencies from our FY '19 SOX audit that 5 will need to be remediated by your teams. I have 6 set up meetings with the control owners over the 7 next couple of weeks. The goal of these meetings 8 will be to determine what remediation steps will 9 be taken and how quickly they can be put in 10 place." 11 Was it a routine audit function to have 12 audits as to SOX control deficiencies as they 13 related to SolarWinds' access controls as of 14 fiscal year 2019? 15 A. This was -- yes. This was part of the 16 auditing of access controls that we would do to 17 make sure that we were implementing them in the 18 right manner. 19 Q. And at the bottom of the email, there's 20 a statement: "We have the security and compliance 21 quarterly risk review meeting tomorrow with Jason 22 Bliss and Bart Kalsu. We have a couple slides 23 dedicated to the SOX findings. I did not want it 24 to be a surprise to you that these are included in 25 that discussion."</p> <p style="text-align: center;">258</p>	<p>1 A. So this audit would identify where there 2 are exceptions to the overall access policy and 3 would then remediate those to the extent they can 4 be remediated. 5 So, yes, I -- I do know there are 6 activities to remediate findings of -- through 7 user access reviews, for instance. 8 Q. Okay. 9 (Whereupon, exhibit is received 10 and marked Bliss Deposition Exhibit 20 11 for identification.) 12 THE REPORTER: Bliss 20 for 13 identification. 14 BY MR. TODOR: 15 Q. Mr. Bliss, you've been presented with a 16 document marked Bliss Exhibit 20. It has Bates 17 SW-SEC00001582 through 1601. Appears to be a 18 PowerPoint marked "SolarWinds Q4 2020 Quarterly 19 Risk Review" dated October 27, 2020. 20 Is this another quarterly risk review 21 slide deck that you would have received -- 22 reviewed along with senior management at 23 SolarWinds? 24 A. This does look like the QRR deck and I'm 25 assuming this is the final version, but I can't</p> <p style="text-align: center;">260</p>

<p>1 confirm that without source.</p> <p>2 Q. Okay. And I'll refer your attention to</p> <p>3 Bates 1587, the one that marked as the "SolarWinds</p> <p>4 scorecard."</p> <p>5 And was SolarWinds's understanding as to</p> <p>6 the progress, if any, made with respect to the</p> <p>7 second half of 2020 improvement plan items that</p> <p>8 are listed first for "Identify" for "Increase SDL</p> <p>9 awareness and adoption" compared to the previous</p> <p>10 QRR that we reviewed?</p> <p>11 A. That was Exhibit...</p> <p>12 Q. This one was 18. Would have been --</p> <p>13 this one is 20. It would have been 18.</p> <p>14 A. Okay. So the key risks are the same,</p> <p>15 which is what I would expect. The improvement</p> <p>16 plan has some changes on it.</p> <p>17 Q. And what -- was there any -- what --</p> <p>18 what was the state of progress on those</p> <p>19 improvement plans according to SolarWinds'</p> <p>20 knowledge of this review compared to the prior</p> <p>21 ones we looked at?</p> <p>22 MR. TURNER: I would just</p> <p>23 note there -- there are two prior pages</p> <p>24 that seem to go into greater detail on</p> <p>25 this. There are also a number of</p> <p style="text-align: center;">261</p>	<p>1 THE REPORTER: Bliss 21 for</p> <p>2 identification.</p> <p>3 BY MR. TODOR:</p> <p>4 Q. Okay. You've been marked -- presented a</p> <p>5 document marked Bliss 21. It has Bates</p> <p>6 SW-SEC00006628 through 664 -- 6628 through 6648.</p> <p>7 Appears to be a PowerPoint marked "SolarWinds PM</p> <p>8 Security Vulnerability and Incident Review, July</p> <p>9 10, 2020."</p> <p>10 What was the function of this document</p> <p>11 within SolarWinds?</p> <p>12 MR. TURNER: Object to scope</p> <p>13 and foundation.</p> <p>14 A. I'd have to defer to the testimony of</p> <p>15 Tim.</p> <p>16 Q. Okay. Is -- to your understanding, is</p> <p>17 this a document Mr. Brown would have prepared?</p> <p>18 MR. TURNER: Same objection.</p> <p>19 A. I am not sure if Tim would prepare this,</p> <p>20 contribute to it, or not.</p> <p>21 Q. I turn your attention to Bates 6635, and</p> <p>22 this is a slide marked "ITOM Core Highlights and</p> <p>23 Asks."</p> <p>24 What does ITOM mean?</p> <p>25 A. ITOM here refers to the business unit</p> <p style="text-align: center;">263</p>
<p>1 second-half updates after the -- this</p> <p>2 slide as well.</p> <p>3 BY MR. TODOR:</p> <p>4 Q. I guess -- let me ask this way.</p> <p>5 Do you have any reason -- does</p> <p>6 SolarWinds have any reason to believe that the</p> <p>7 descriptions of the projects and their update</p> <p>8 status as listed in this slide deck are</p> <p>9 inaccurate?</p> <p>10 A. I'm not sure if they accurately or</p> <p>11 inaccurately project activities going on. You</p> <p>12 know, one obvious observation is the world pretty</p> <p>13 much blew up in this time right now, right? So</p> <p>14 this was COVID and our entire employee workforce</p> <p>15 was now at home. So, you know, this wasn't</p> <p>16 predicted earlier in 2020. And as any good team</p> <p>17 does, they would have to shift priorities to</p> <p>18 addressing that which was an impressive effort.</p> <p>19 So I think that context is super</p> <p>20 critical to this entire assessment of 2020 and I</p> <p>21 trust there were some advances.</p> <p>22 Q. Mm-hmm.</p> <p>23 (Whereupon, exhibit is received</p> <p>24 and marked Bliss Deposition Exhibit 21</p> <p>25 for identification.)</p> <p style="text-align: center;">262</p>	<p>1 that I previously referred to called Core-IT. It</p> <p>2 had a different nomenclature, but ITOM was this</p> <p>3 kind of preceding this.</p> <p>4 Q. I direct your attention to under</p> <p>5 "Highlights." The fourth bullet there states:</p> <p>6 "Inconsistent internal security testing as part of</p> <p>7 product final security reviews don't always</p> <p>8 include web application testing before release."</p> <p>9 What is SolarWinds' understanding as to</p> <p>10 the basis for that statement?</p> <p>11 A. I'd have to defer to the testimony of</p> <p>12 somebody like Tim on this, but it's under</p> <p>13 "Highlights" with both Whitesource and checkmarks</p> <p>14 with green checkmarks next to them --</p> <p>15 Q. Mm-hmm.</p> <p>16 A. -- which my interpretation of this is</p> <p>17 this is an improvement on the overall program that</p> <p>18 you're looking at.</p> <p>19 Q. Okay. And what are Whitesource --</p> <p>20 what's Whitesource?</p> <p>21 A. It's a -- it's a tool in the development</p> <p>22 life cycle. What precisely it does, I'd have to</p> <p>23 defer to Tim's testimony on.</p> <p>24 Q. Okay. And I think you discussed</p> <p>25 checkmarks previously.</p> <p style="text-align: center;">264</p>

<p>1 Is that --</p> <p>2 A. I did.</p> <p>3 Q. -- the same understanding as to what</p> <p>4 function it would have with respect to internal</p> <p>5 security testing as in your prior answer?</p> <p>6 A. Yes.</p> <p>7 Q. There's a -- the first bullet states</p> <p>8 "Customers continue to actively engage third-party</p> <p>9 penetration testers as part of their compliance</p> <p>10 efforts."</p> <p>11 Does that -- what is SolarWinds'</p> <p>12 understanding as to why the customers would be</p> <p>13 engaging third-party penetration testers?</p> <p>14 A. The industry at large was evolving</p> <p>15 around this time. And just like we were getting</p> <p>16 more questions, people were now engaging with</p> <p>17 penetration testers that they preferred or liked</p> <p>18 and we rely on those.</p> <p>19 Q. Okay. Was this a statement that</p> <p>20 SolarWinds's penetration testing was inadequate?</p> <p>21 A. No.</p> <p>22 Q. What's the basis for that statement or</p> <p>23 that response?</p> <p>24 A. My general experience with these</p> <p>25 customer inquiries is there are a number of</p> <p style="text-align: center;">265</p>	<p>1 if you need to take a break, we can do</p> <p>2 that.</p> <p>3 MR. TURNER: Up to you, Jason.</p> <p>4 THE WITNESS: Let's take a</p> <p>5 quick break before my bladder blows up.</p> <p>6 THE VIDEOGRAPHER: The time</p> <p>7 right now is 6:28 p.m. and we are off the</p> <p>8 record.</p> <p>9 (Whereupon, a recess is taken.)</p> <p>10 THE VIDEOGRAPHER: The time</p> <p>11 right now is 6:44 p.m. and we're back on</p> <p>12 the record.</p> <p>13 BY MR. TODOR:</p> <p>14 Q. Hello again, Mr. Bliss. I direct your</p> <p>15 attention to Topic 8.d of the deposition notice,</p> <p>16 which is "Internal audits relating to</p> <p>17 cybersecurity practices, including, but not</p> <p>18 limited to, audits of IT general controls,</p> <p>19 Sarbanes-Oxley audits, SOC Type 2 audits, and ISO</p> <p>20 27001 audits," and then some Bates numbers.</p> <p>21 We discussed SOX audits earlier.</p> <p>22 Are you aware -- is SolarWinds aware of</p> <p>23 any other findings in SOX audits with respect to a</p> <p>24 deficiency with respect to access controls other</p> <p>25 than the one that we discussed in the March 2020</p> <p style="text-align: center;">267</p>
<p>1 penetration tools that were out there and we used</p> <p>2 some of them and they were good. Customers would</p> <p>3 sometimes use a different tool and would not</p> <p>4 necessarily rely on what the company had done with</p> <p>5 their tool.</p> <p>6 So that just created potential friction</p> <p>7 and, thus, create a risk in the sales process.</p> <p>8 Q. Okay.</p> <p>9 MR. TURNER: Jason, I think the</p> <p>10 question was, was the fact that customers</p> <p>11 were doing pen tests at all an indication</p> <p>12 SolarWinds' pen testing was inadequate?</p> <p>13 THE WITNESS: The -- the answer</p> <p>14 to that is no, and it was more just this</p> <p>15 is part of customer activity of doing pen</p> <p>16 tests themselves just like we would on</p> <p>17 vendors.</p> <p>18 BY MR. TODOR:</p> <p>19 Q. Do you have any other understanding as</p> <p>20 to why that was listed as a -- a highlight in</p> <p>21 that section beyond what you've testified to so</p> <p>22 far?</p> <p>23 A. No.</p> <p>24 MR. TODOR: We are getting to</p> <p>25 Topic 8.d. We can either press on or</p> <p style="text-align: center;">266</p>	<p>1 email and in the QRR?</p> <p>2 A. I don't --</p> <p>3 MR. TURNER: Objection to</p> <p>4 scope.</p> <p>5 A. I don't recall any other than those</p> <p>6 isolated events that we looked at.</p> <p>7 Q. Okay. And in audits of IT general</p> <p>8 controls, were there any findings of</p> <p>9 deficiencies with respect to access controls</p> <p>10 at SolarWinds --</p> <p>11 MR. TURNER: Same objection.</p> <p>12 Q. -- in the relevant time period?</p> <p>13 A. I don't -- I mean, you the word</p> <p>14 "deficiency." I'd say there were exceptions to</p> <p>15 the overall access rights that were identified and</p> <p>16 remediated, none of which rose to the level of a</p> <p>17 significant deficiency, much less a material</p> <p>18 weakness, for instance.</p> <p>19 So I hesitate to call it deficiency</p> <p>20 because it relates to an accounting term.</p> <p>21 Q. Okay. With respect to SOC Type 2</p> <p>22 audits, were there any findings of deficiencies</p> <p>23 with respect to access controls in the relevant</p> <p>24 time period?</p> <p>25 A. I don't recall. Obviously, a SOC-2</p> <p style="text-align: center;">268</p>

<p>1 audit is a very intense review of all sorts of 2 things on products and controls. Obviously, well 3 beyond the types of things said in the security 4 statement. 5 Q. Okay. Were there any deficiencies found 6 relating to issues of the issues we've been 7 discussing with respect to the security statement 8 for access controls, software development life 9 cycle, network monitoring, or password policy in 10 the SOC-2 audits? 11 A. Nothing that I recall as material, 12 no. 13 Q. Is that the same for the Sarbanes-Oxley 14 audits? 15 A. Nothing material, yeah. 16 Q. And is that the same for the IT general 17 control audits? 18 A. Yeah, nothing material. 19 Q. What is an ISO 27001 audit? 20 A. I'll defer to anyone on the technical 21 side that -- to explain this, but from a very high 22 level, an ISO 27001 is more about a location than 23 a product, for instance. So where you might house 24 data or things of that sort. 25 Q. Okay. And were there any deficiencies</p> <p style="text-align: center;">269</p>	<p>1 Q. What was the purpose of this document? 2 A. I don't know. 3 Q. Who are Stas Starikevich and Wojciech 4 Pitera? 5 A. Other than members of the MSP team, I -- 6 they're not part of leadership and I don't know 7 them. 8 Q. Okay. I turn your attention to the page 9 marked Bates 6792. And under "Summary 10 Objectives," it states "Perform high level 11 assessment of the operational maturity level that 12 exists today for our key products - RMM, N-central 13 and backup." 14 Are those key products in the MSP group 15 as of this time? 16 A. Yes, those are products within the MSP 17 business unit. 18 Q. Okay. And turning your attention to the 19 heading "Methodology," statement is "NIST, the 20 enterprise standard security framework is being 21 used to perform the assessments that will allows 22 us to improve our ability to prevent, detect and 23 respond to cyber attacks." 24 What is SolarWinds' understanding as to 25 why this analysis or this assessment was being</p> <p style="text-align: center;">271</p>
<p>1 found in any of those audits that would relate to 2 the issues we've been discussing with respect to 3 the security statement of access controls, 4 software development life cycle, network 5 monitoring, or password policy? 6 A. Nothing material. 7 Q. Turn to Topic 8.e in the deposition 8 notice, which is "MSP products security 9 evaluations, including, but not limited to, 10 SW-SEC00166790." And I have a document for you. 11 (Whereupon, exhibit is received 12 and marked Bliss Deposition Exhibit 22 13 for identification.) 14 THE REPORTER: Bliss 22 for 15 identification. 16 BY MR. TODOR: 17 Q. And you've been presented with a 18 document marked Bliss 22. It has Bates 19 SW-SEC00166790 through 6799. Appears to be a 20 document marked "SolarWinds MSP Products Security 21 Evaluation, Confidential, July 2019." 22 Did you review this document for your 23 deposition preparation? 24 A. I've seen this document in the course of 25 the depositions, yes.</p> <p style="text-align: center;">270</p>	<p>1 done pursuant to the NIST security framework? 2 A. I don't think SolarWinds has an 3 understanding of why this analysis was being done 4 or being done according to NIST. And given his 5 reference to NIST as the enterprise security 6 framework, I'm not sure, you know, what it is. 7 Q. Was it a regular practice of SolarWinds 8 to conduct assessments of the security of its MSP 9 products? 10 A. Can you specify your question a little 11 bit? Because there are nuances. 12 Q. Was it something to be done on a regular 13 basis, like quarterly/annual, something like that, 14 or was this a one-time thing? 15 A. I'm not sure. 16 Q. Okay. I turn your attention to the next 17 page of the document with Bates 6793. And turn 18 your attention to the third subheading under 19 "Asset Management," which is "Communication and 20 data flows are mapped." And please read that 21 paragraph and familiarize yourself and let me know 22 when you're ready to discuss. 23 A. Okay. 24 Q. First statement is "Design documentation 25 overall is lacking and unstructured for the</p> <p style="text-align: center;">272</p>

<p>1 majority products," I'm guessing it could be "of 2 products." 3 What is SolarWinds' understanding for 4 the basis for that statement? 5 A. I don't have any basis for that 6 statement. 7 Q. Okay. The second sentence states "In 8 addition, there is no governance in place to help 9 provide consistency." 10 What is SolarWinds' understanding of the 11 basis for that statement? 12 A. I -- SolarWinds doesn't believe there is 13 a basis for this statement. We just pored through 14 a number of large documents that suggest 15 otherwise. 16 Q. And with respect in particular to the 17 RMM and central and backup documents that are 18 being referred to as "key MSP products" on the 19 previous page, what is SolarWinds' understanding 20 as to the design documentation for those products 21 as relates to the issues discussed here? 22 MR. TURNER: Objection to form 23 and scope. 24 A. I don't think that SolarWinds 25 understands these authors and what they're trying</p> <p style="text-align: center;">273</p>	<p>1 A. I'm not sure if Stas was referring to 2 that specifically or the program. It's kind of 3 unclear. 4 Q. Next statement is "This should be 5 covered by architecture, as part of the SSDLC 6 process being formed." 7 What is SolarWinds' understanding as to 8 the basis for that statement? 9 A. I don't understand the basis for the 10 statement or what he's referring to when he's 11 precisely saying "the SSDLC process" in the 12 statement. 13 Q. As of July 2019, was there a secure 14 development life cycle process being formed for 15 MSP products separate from that for the Core-IT? 16 A. I'm not aware of one. 17 Q. By "architecture," which group at 18 SolarWinds is being referred to there to 19 SolarWinds' knowledge? 20 A. Not -- I don't understand precisely 21 which team he's referring to, but there is a group 22 that's considered architects in engineering. 23 Q. I turn your attention to the next page 24 of the document, Bates 6794. And I'll turn your 25 attention to the heading "Risk assessment</p> <p style="text-align: center;">275</p>
<p>1 to communicate with this statement. 2 Q. Okay. 3 A. Because it -- the fact that design 4 documentation is lacking, we know there's design 5 documentation for products, so I don't know if 6 he's -- what he's expecting. And I'm not sure he 7 had a firm basis for that or not. 8 Q. Does SolarWinds have an understanding 9 of what the governance that is being referred to 10 in the -- the second sentence would be referring 11 to? 12 A. No. 13 Q. Turn to the third sentence there. 14 There's a statement "These are crucial for 15 threat modeling and other security activities in 16 SSDLC." 17 What is SolarWinds' understanding as to 18 the basis for that statement? 19 A. I'm not sure of the precise basis of the 20 statement. Again, we were doing threat modeling, 21 so I'm not sure where he's getting his information 22 to come to these conclusions. 23 Q. Was -- is it SolarWinds' understanding 24 that SSDLC is referring to secure software 25 development life cycle?</p> <p style="text-align: center;">274</p>	<p>1 (Identify)," and would ask you to look first at 2 the first subheading there. Let me know when 3 you're ready to discuss. 4 A. Okay. 5 Q. And the first subheading is "Asset 6 vulnerabilities are identified and documented." 7 The statement is "Each product seems to have its 8 own ways of marking security issues that do not 9 follow recently established SW standards." 10 What is SolarWinds' understanding for 11 the basis for that statement? 12 A. I don't think we understand the basis of 13 the statement and I'm not sure I understand what 14 the statement is really saying. 15 Q. Next -- I'd ask you to read the next 16 subheading and statement and let me know when 17 you're ready to discuss. 18 A. Okay. 19 Q. And the statement "Currently, there is 20 no formal process in place for reporting" -- 21 the -- the heading is "Threat and vulnerability 22 information is received from external sources." 23 The first statement is "Currently, there is 24 no formal process in place for reporting 25 purposes."</p> <p style="text-align: center;">276</p>

<p>1 What is SolarWinds' understanding for 2 the basis for that statement? 3 A. I have no understanding for the basis of 4 that statement because there was a process in 5 place for reporting purposes. 6 Q. I direct your attention to the last 7 sentence in that section. There's a statement, "A 8 pre-requirement to have a policy to maintain 9 proper third-party asset list, OS versions 10 utilized, et cetera, to have data to work with." 11 What is SolarWinds' understanding for 12 the basis for that statement? 13 A. SolarWinds doesn't understand what that 14 statement is saying. It -- my guess is this may 15 be an English-as-a-second-language author -- 16 Q. Mm-hmm. 17 A. -- and I'm not sure I would apply such 18 precision to much of these words, but I don't 19 understand that last sentence. 20 Q. Okay. I direct your attention to the 21 third subheading and ask you to review that and 22 let me know when you're ready to discuss. 23 A. Okay. 24 Q. And the first statement, "No" -- the 25 subheading is "Threats internal and external are</p> <p style="text-align: center;">277</p>	<p>1 A. I admit I'm not sure what likelihoods 2 and impacts are here, but if it was identifying 3 threats and identifying vulnerabilities and 4 determining risk, yes, we were doing that. 5 Q. Okay. I turn your attention to Bates 6 6796 within the document and direct your attention 7 to the I guess first main heading "Awareness and 8 Training (protect)," and ask you to read that 9 section and let me know when you're ready to 10 discuss. 11 A. Just the "All users are informed and 12 trained" part? 13 Q. Yes. 14 A. Okay. Okay. 15 Q. And the statement is -- the subheading 16 is "All users are informed and trained." The 17 statement is "There is no security awareness 18 training as well there is no security training 19 during the onboarding process." 20 What is SolarWinds' understanding for 21 the basis of that statement? 22 A. Again, I do not know what the basis for 23 that statement was as there was security training 24 being done. 25 Q. There were a lot of I guess what would</p> <p style="text-align: center;">279</p>
<p>1 identified and documented." The statement "No 2 threat modeling nor analysis is performed as part 3 of any process (except MSP backup engineering)." 4 What is SolarWinds' understanding for 5 the basis for that statement? 6 A. We have no knowledge of the basis for 7 that statement, as we know threat modeling was 8 done and analysis was being performed. 9 Q. Okay. Turn your attention to the fifth 10 subheading. I'd ask you to help read that with 11 you. Statement is "Threats, vulnerabilities, 12 likelihoods and impacts are used to determine 13 risk." The statement is "No coverage due to 14 missing pre-requirements." 15 What is SolarWinds' understanding for 16 the basis for that statement? 17 A. Again, I'm not sure SolarWinds 18 understands what that statement is even saying, 19 much less what the basis of that statement is. 20 Q. Does SolarWinds have an understanding 21 as to whether threats, vulnerabilities, 22 likelihoods, and impacts are used -- were used to 23 determine risk for its MSP products as of July 24 2019? 25 MR. TURNER: Object to form.</p> <p style="text-align: center;">278</p>	<p>1 appear to be alarming statements in here as to the 2 types of security practices. 3 Did SolarWinds take any action in 4 response to this document? 5 MR. TURNER: Object to the 6 characterization. 7 A. I'm not sure whether there were 8 specific actions taken, but the fact that I don't 9 know these gentlemen's names suggests to me they 10 were likely very junior members of the team that 11 may not have full context or information as to 12 what was going on and perhaps was putting 13 together a document with very bad English that 14 maybe they needed to deliver. But -- and as 15 part of a smaller business unit of the company, I 16 am not going to be alarmed by simply looking at 17 this. 18 Q. Okay. Does SolarWinds know to whom this 19 document was sent? 20 A. No. 21 Q. Does SolarWinds know whether any 22 specific action items were taken as a result of 23 any of the statements in the document? 24 A. No. 25 Q. Turning to Topic 8.f in the deposition</p> <p style="text-align: center;">280</p>

<p>1 comparison of ourselves versus others. Mostly 2 because it's almost impossible to do because you 3 don't talk about all of your cybersecurity 4 practices in public forums. So we didn't -- we 5 didn't do that side-by-side comparison. 6 Q. Okay. Was there any respect in which 7 SolarWinds believed that its cybersecurity 8 practices were not up to industry standard in any 9 of the topics we've been discussing in -- with 10 respect to the security statement of access 11 controls, software development life cycle, network 12 monitoring or password policy during the relevant 13 period? 14 MR. TURNER: Object to scope, 15 form. 16 A. No. We -- we felt good about our 17 cybersecurity program. And the cyber intrusion 18 was conducted by one of the most sophisticated 19 nation-state actors in the world that would have 20 gotten through most any cybersecurity program. So 21 we did not feel, you know, when we were reviewing 22 it, that we were below any industry standards with 23 respect to cybersecurity. 24 Q. Okay. I turn your attention to Topic 9 25 of the deposition notice. And first is "Any</p> <p style="text-align: center;">285</p>	<p>1 the security statement during the relevant 2 period? 3 A. No. 4 Q. Second, did SolarWinds have any 5 communications with investors regarding 6 SolarWinds' cybersecurity practices or the 7 security statement during the relevant period? 8 MR. TURNER: Objection to scope 9 and -- and form. 10 A. So by "investors," do you mean public 11 company investors or do you mean our Board? 12 Q. With public investors. 13 A. No. 14 Q. Okay. Without asking about the 15 substance of particular communications with 16 customers, was it the practice of SolarWinds to 17 direct customers to the public-facing security 18 statements to answer questions regarding security 19 practices? 20 A. I think it was a practice. Was it 21 always the practice to say here's your security 22 statement? I don't think I can say that. It'd 23 depend on the nature of the conversation with the 24 customer, the size of the customer, the inquiries 25 of the customer.</p> <p style="text-align: center;">287</p>
<p>1 internal or external communications by SolarWinds 2 concerning," and I have six subparts. The first 3 is "Internal assessments of SolarWinds' 4 cybersecurity practices." 5 My question is, we've looked at a 6 variety of presentation documents today. There's 7 been QRRs, security and compliance quarterlies, 8 information risk reviews, security incident 9 review, a SOX compliance audit. 10 Were there any other kinds of routine 11 assessments of SolarWinds' cybersecurity practices 12 that were presented for -- in the form of a 13 presentation other than those? 14 MR. TURNER: Object to form and 15 foundation and scope. 16 A. That is an enormously broad question 17 that I can't recollect anything at this moment. 18 Q. Okay. Turn to Topic 9.b, which is 19 "Communications with securities analysts, 20 investors, or customers regarding SolarWinds' 21 cybersecurity practices or the security 22 statement." 23 First question: Did SolarWinds have 24 any communications with securities analysts 25 regarding SolarWinds' cybersecurity practices or</p> <p style="text-align: center;">286</p>	<p>1 Q. Okay. Topic 9.c is "Changes to the 2 security statement." 3 Did SolarWinds make any changes to the 4 security statement during the relevant period of 5 the public-facing security statement? 6 A. Nothing material. 7 Q. Topic 9 -- Topic 9.d, "Communications 8 regarding evaluation of changes to the security 9 statement." 10 Did SolarWinds have any internal or 11 external communications regarding evaluating 12 actual or potential changes to the security 13 statement after it was published on the 14 SolarWinds' website during the relevant 15 period? 16 A. Can you phrase that question maybe a 17 little differently so I understand exactly what 18 you're asking? 19 Q. Okay. So after -- you said in the 20 previous question there were no change -- there 21 were no material changes made. 22 Did SolarWinds evaluate whether to 23 make any in a process where there was a proposed 24 change and were evaluating whether to make that 25 change?</p> <p style="text-align: center;">288</p>

Jason Bliss 30(b)(6)
10/16/2024

<p>1 A. Well, there are many questions outside 2 of what's here in the knowledge base. So legal 3 would have a level of technical that I explained, 4 but not necessarily to a depth of perhaps somebody 5 in the Dev-Ops team, for instance, and would ask 6 questions -- and that person might have answered 7 the question to begin with -- but asked questions 8 about the veracity of the information. 9 MR. TODOR: No further 10 questions at this time. 11 MR. TURNER: Just briefly. 12 RECROSS-EXAMINATION 13 BY MR. TURNER: 14 Q. We talked about vetting these 15 statements. This a password statement, okay, is a 16 statement simply that complex passwords are 17 required that use alpha and numeric characters. 18 Was that done at SolarWinds? 19 A. Yes. 20 Q. It was done through Active Directory. 21 That's your testimony, right? 22 A. Yes. 23 Q. Would Eric Quitugua needed to have spent 24 significant time to vet that information? 25 A. No.</p> <p style="text-align: center;">313</p>	<p>1 STATE OF NEW YORK.) 2) ss: 3 COUNTY OF NEW YORK) 4 I hereby certify that the 5 witness in the foregoing deposition, JASON WALLACE 6 BLISS, was by me duly sworn to testify to the 7 truth, the whole truth and nothing but the truth, 8 in the within-entitled cause; that said deposition 9 was taken at the time and place herein named; and 10 that the deposition is a true record of the 11 witness's testimony as reported by me, a duly 12 certified shorthand reporter and a disinterested 13 person, and was thereafter transcribed into 14 typewriting by computer. 15 I further certify that I am not 16 interested in the outcome of the said action, nor 17 connected with nor related to any of the parties 18 in said action, nor to their respective counsel. 19 IN WITNESS WHEREOF, I have hereunto 20 set my hand this 29th day of October 2014. 21 Reading and Signing was: 22 ___ requested ___ waived <u> X </u> not discussed 23 24 25 <u>BRIDGET LOMBARDOZZI, CSR, RMR, CRR</u></p> <p style="text-align: center;">315</p>
<p>1 Q. Why? 2 A. Because it was obvious. 3 Q. Thank you. 4 MR. TURNER: No further 5 questions. 6 MR. TODOR: No further 7 questions at this time. 8 THE VIDEOGRAPHER: The time 9 right now is 7:47 p.m. and we're off the 10 record. 11 (Whereupon, the deposition was 12 concluded at 7:47 p.m.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">314</p>	<p>1 CERTIFICATE OF WITNESS 2 3 I, JASON WALLACE BLISS, do hereby declare under 4 penalty of perjury that I have read the entire 5 foregoing transcript of my deposition testimony, 6 or the same has been read to me, and certify that 7 it is a true, correct and complete transcript of 8 my testimony given on October 16, 2024, save and 9 except for changes and/or corrections, if any, as 10 indicated by me on the attached Errata Sheet, with 11 the understanding that I offer these changes and/or 12 corrections as if still under oath. 13 _____ I have made corrections to my deposition. 14 _____ I have NOT made any changes to my deposition. 15 16 Signed: _____ 17 JASON WALLACE BLISS 30(b)(6) 18 19 Dated this _____ day of _____ of 20____. 20 21 22 23 24 25</p> <p style="text-align: center;">316</p>